

AFFIDAVIT OF INTEREST

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STATE OF UTAH )  
 : ss.  
COUNTY OF WASATCH )

We, the undersigned, being first duly sworn, depose and say:

That we have an interest in that land or portion of that land described and shown on the exhibit attached hereto marked Exhibit "A", together with the right of way described therein, by virtue of a prescriptive easement across the right of way described therein, by virtue of a common law dedication of the area for cemetery purposes, and by virtue of being the heirs of the persons interred therein; that as a result of said interest, the undersigned claim the right in their own behalf, in the behalf of their offspring, and in behalf of the other heirs of the deceased buried therein, consisting of John Gerber and Sarah E. Gerber and others, to visit, maintain, and decorate the graves of the persons interred therein and the right to ingress and egress from the public highway.

That pursuant to Section 76-10-3 of the Utah Code any person who wilfully and maliciously defaces, breaks, destroys or removes any tomb, monument, or gravestone erected to any deceased person, or any memento or memorial, or any ornamental plant, tree or shrub appurtenant to the place of burial of a human being, or who shall mark, deface, injure, destroy or remove any fence, post, rail or wall of any cemetery or graveyard is guilty of a misdemeanor.

That the purpose of this affidavit is to put the owners of the premises, commonly referred to as the Old Mound City Cemetery, on which the tombs, monuments, and gravestones have been erected as described and their successors in interest, the possessors, occupiers, and users of said premises and the public at large on notice of the above claim of interest and above referred to law for the purpose of protecting the rights of said deceased and their heirs; the

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Entry No. \_\_\_\_\_ Recorded at request of James J. Smalley Fee \$15.60  
Date JUN 7 1972 at 12:05 PM Lorna Van Wagoner Wasatch County Recorder  
By Lela O. Carile Deputy Book 81 Page 120-8

DECLARATION OF DEFENDANT

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STATE OF TEXAS

COUNTY OF DALLAS

I, the undersigned, being duly sworn, depose and say:

That I am a resident of the State of Texas, and

declared and sworn on the oath of office as

"A", together with the undersigned, in

a proceeding to remove the said

by virtue of a certain law

persons, and of virtue of the

persons, and of virtue of the

the right in such

and in holding of

consisting of

persons, and because

That I am a resident of the State of Texas, and

declared and sworn on the oath of office as

persons, and of virtue of the

persons, and of virtue of the

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• *E. Ray Lindgren*  
*E. L. Herber*  
*Ervin Herber*  
*Maunio Anderson*

me, Lawrence Richardes, H. G. Fisher, W. J. Richardson

Prof. James G. Swain Emily Blackman

Col. Kay Barker, Irvin Gerber, Stella Gardner

  
NOTARY PUBLIC

On this 2nd day of June, 1972, personally appeared before

me Clyde H Gerber Gae L Madsen

Merkley Jason Merkley, Shaun Haweter, & Highland

V.H. Maxfield, Annie Andersen, Ralpheno Hacking

NOTARY PUBLIC

Salt Lake City, Utah

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STATE OF UTAH           )  
                                  : ss.  
COUNTY OF WASATCH    )

On this 1<sup>st</sup> day of June, 1972, personally appeared before  
me E. L. Gerber, Gladys H. Gerber, Linda, Leila, Janice S. Brown,  
Joyce P. Schlusser, Winifred P. Sanders, Marsha Anderson  
S. Maurice Anderson

signers of the above instrument who duly acknowledged to me that  
they executed the same.

  
\_\_\_\_\_  
NOTARY PUBLIC



My commission expires:

Residing at:

Salt Lake City, Utah